

Rec'd PCT/PTO 03 OCT 2005

PTO/SB/01 (04) -05)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |  |                          |                  |
|---|--|--------------------------|------------------|
| <b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b><br><b>(37 CFR 1.63)</b><br><br><input type="checkbox"/> Declaration Submitted With Initial Filing <b>OR</b> <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required) |  | Attorney Docket Number   | RADME-70572      |
|   |  | First Named Inventor     | Callister et al. |
|   |  | <b>COMPLETE IF KNOWN</b> |                  |
|   |  | Application Number       | 10/525,625       |
|   |  | Filing Date              | 9/12/03          |
|   |  | Art Unit                 | Unassigned       |
|   |  | Examiner Name            | Unassigned       |

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD FOR DETERMINING AND CONTROLLING CORE BODY TEMPERATURE**

(Title of the Invention)

the specification of which

☐ is attached hereto

**OR**

☒ was filed on (MM/DD/YYYY) 9/12/2003 as United States Application Number or PCT International

Application Number PCT/US03/28683 and was amended on (MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed     | Certified Copy Attached? |                          |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |         |                                  |                          | YES                      | NO                       |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |         |                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

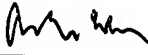
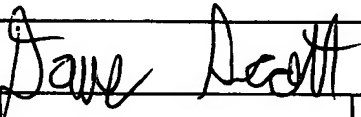
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**DECLARATION — Utility or Design Patent Application**

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| Name  |                       |   |                          |
| Address   |                       |   |                          |
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| Country   | Telephone             | Email   |                          |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |                       |   |                          |
| <b>NAME OF SOLE OR FIRST INVENTOR:</b>  |                       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                          |
| Given Name (first and middle [if any])<br><u>JEFFREY</u>  |                       | Family Name or Surname<br><u>CALLISTER</u>                                    |                          |
| Inventor's Signature<br><i>Jeffrey P. Callister</i>   |                       | Date<br><u>9/13/05</u>  |                          |
| Residence: City<br><u>Deep Haven</u>  | State<br><u>MN MN</u> | Country<br><u>US</u>  | Citizenship<br><u>US</u> |
| Mailing Address<br><b>18150 Shavers Lake Drive</b>  |                       |   |                          |
| City<br><u>Deep Haven</u>   | State<br><u>MN</u>    | Zip<br><u>55391</u>   | Country<br><u>US</u>     |
| <b>NAME OF SECOND INVENTOR:</b>   |                       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                          |
| Given Name (first and middle [if any])<br><u>PAUL M.</u>  |                       | Family Name or Surname<br><u>STULL</u>  |                          |
| Inventor's Signature  |                       | Date  |                          |
| Residence: City<br><u>San Mateo</u>   | State<br><u>CA CA</u> | Country<br><u>US</u>  | Citizenship<br><u>US</u> |
| Mailing Address<br><b>235 - 41st Avenue</b>   |                       |   |                          |
| City<br><u>San Mateo</u>  | State<br><u>CA</u>    | Zip<br><u>94403</u>   | Country<br><u>US</u>     |
| <input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 3 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.   |                       |   |                          |

**DECLARATION****ADDITIONAL INVENTOR(S)**  
Supplemental SheetPage 3 of 3

|   |       |   |             |
|---|-------|---|-------------|
| <b>Name of Additional Joint Inventor, if any:</b>   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |             |
| Given Name (first and middle (if any))  |       | Family Name or Surname  |             |
| ANDREW E.   |       | WU  |             |
| Inventor's Signature   |       | Date 7/8/2005   |             |
| Foster City   | CA CA | US  | US          |
| Residence: City   | State | Country   | Citizenship |
| 506 Gibraltar Lane  |       |   |             |
| Mailing Address   |       |   |             |
| Foster City   | CA    | 94404   | US          |
| City  | State | Zip   | Country     |
| <b>Name of Additional Joint Inventor, if any:</b>   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |             |
| Given Name (first and middle (if any))  |       | Family Name or Surname  |             |
| DAVID J.  |       | SCOTT   |             |
| Inventor's Signature  |       | Date 6/24/05  |             |
| Redwood City  | CA CA | US  | US          |
| Residence: City   | State | Country   | Citizenship |
| 2108 Hastings Shore Lane  |       |   |             |
| Mailing Address   |       |   |             |
| Redwood City  | CA    | 94065   |             |
| City  | State | Zip   | Country     |
| <b>Name of Additional Joint Inventor, if any:</b>   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |             |
| Given Name (first and middle (if any))  |       | Family Name or Surname  |             |
|   |       |   |             |
| Inventor's Signature  |       | Date  |             |
| Residence: City   | State | Country   | Citizenship |
| Mailing Address   |       |   |             |
| City  | State | Zip   | Country     |

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**DECLARATION — Utility or Design Patent Application**

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| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |  |  |   |  |  |
| NAME OF SOLE OR FIRST INVENTOR:   |  |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |  |
| Given Name (first and middle [if any])  |  |  | Family Name or Surname  |  |  |
| JEFFREY   |  |  | CALLISTER   |  |  |
| Inventor's Signature  |  |  |   | Date   |  |
| Residence: City   |  | State  |   | Country  |  |
| Redwood City  |  | CA   |   | US   |  |
| Mailing Address   |  |  |   |  |  |
| 955 Cambridge Road  |  |  |   |  |  |
| City  |  | State  |   | Country  |  |
| Redwood City  |  | CA   |   | US   |  |
| Zip   |  | 94061  |   |  |  |
| NAME OF SECOND INVENTOR:  |  |  | <input type="checkbox"/> A petition has been filed for this unsigned inventor |  |  |
| Given Name (first and middle [if any])  |  |  | Family Name or Surname  |  |  |
| PAUL M.   |  |  | STULL   |  |  |
| Inventor's Signature  |  |  |   | Date   |  |
| <i>Paul M. Stull</i>  |  |  |   | 7/12/05  |  |
| Residence: City   |  | State  |   | Country  |  |
| San Mateo   |  | CA   |   | US   |  |
| Mailing Address   |  |  |   |  |  |
| 235 - 41st Avenue   |  |  |   |  |  |
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| San Mateo   |  | CA   |   | US   |  |
| Zip   |  | 94403  |   |  |  |
| <input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 3 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.   |  |  |   |  |  |

Rec'd PTO 03 OCT 2005

PTO/SB/81 (04-05)

Approved for use through 11/30/2005. OMB 0651-0035

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

|                        |                                  |
|------------------------|----------------------------------|
| Application Number     | 10/525,625                       |
| Filing Date            | 9/12/03                          |
| First Named Inventor   | Callister et al.                 |
| Title                  | SYSTEM & METHOD F/DETERMINING... |
| Art Unit               |                                  |
| Examiner Name          |                                  |
| Attorney Docket Number | RADME-70572                      |

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

24201

OR

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
|      |                     |
|      |                     |
|      |                     |
|      |                     |
|      |                     |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

|                   |                             |           |              |
|-------------------|-----------------------------|-----------|--------------|
| Signature         | <i>Kenneth G. Hayes Jr.</i> | Date      | 9-23-05      |
| Name              | Kenneth G. Hayes, Jr.       | Telephone | 650-363-8000 |
| Title and Company | President and CEO           |           |              |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Rec'd PTO 03 OCT 2005

PTO/SB/96 (09-04)

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Jeffrey Callister, Paul M. Stull, Andrew Wu, David J. Scott

Application No./Patent No.: 10/525,625 Filed/Issue Date: September 12, 2003

Entitled: SYSTEM AND METHOD FOR DETERMINING AND CONTROLLING CORE BODY TEMPERATURE

Radiant Medical, Inc., a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Kenneth G. Hayes, Jr.  
Signature

Kenneth G. Hayes, Jr.

Printed or Typed Name

President and CEO

Title

9/23/05  
Date

650-363-8000

Telephone Number

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